

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE,

Plaintiff,

v.

MONSANTO COMPANY, et al.,

Defendants.

No. 2:16-cv-00107-RAJ

**DECLARATION OF GARY A. GOTTO
IN SUPPORT OF PLAINTIFF'S
MOTION TO EXCLUDE PROPOSED
EXPERT TESTIMONY BY RICHARD
C. PLEUS**

I, Gary A. Gotto, declare that:

1. I am a partner with the law firm of Keller Rohrback L.L.P., and am one of the attorneys for Plaintiff City of Seattle (the "City") in the above-captioned matter. This declaration is based on my personal knowledge or public records available to me and if called to testify to the following facts, I could and would competently do so. I submit this declaration and the following exhibits in support of Plaintiff's Motion to Exclude Proposed Expert Testimony by Richard C. Pleus.

2. Attached hereto as Exhibit A is a true and correct copy of the Expert Report of Richard C. Pleus, dated November 21, 2021.

3. Attached hereto as Exhibit B is a true and correct copy of the Supplement to the Report of Richard C. Pleus dated June 7, 2022.

DECLARATION OF G. GOTTO
(2:16-cv-00107-RAJ) – 1

KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

**STOLL STOLL BERNE LOKTING
& SHLACHER P.C.**
209 SW Oak Street, Suite 500
Portland, OR 97204
Telephone: (503) 227-1600

4. Attached hereto as Exhibit C is a true and correct copy of the Expert Report of David L. Sunding, dated November 22, 2021.

5. Attached hereto as Exhibit D is a true and correct copy of the Expert Rebuttal Report of Charles D. Cowan, dated February 14, 2022.

6. Attached hereto as Exhibit E is a true and correct copy of the Expert Rebuttal Report of Charles D. Cowan, dated July 12, 2022.

7. Attached hereto as Exhibit F is a true and correct copy of the Supplemental Report of David Sunding, dated June 1, 2022.

8. Attached hereto as Exhibit G is a true and correct copy of excerpts from U.S. EPA, 2001 Risk Assessment Guidance for Superfund, Vol. III.

9. Attached hereto as Exhibit H is a true and correct copy of The Suquamish Tribe 2000 (“Suquamish Study”).

10. Attached hereto as Exhibit I is a true and correct copy of the Appendix to Expert Report of Richard C. Pleus, dated November 21, 2021.

11. Attached hereto as Exhibit J is a true and correct copy of the EPA’s 2007 Framework for Selecting and Using Tribal Fish and Shellfish Consumption Rates for Risk-Based Decision Making at CERCLA and RCRA Cleanup Sites in Puget Sound and the Strait of Georgia.

12. Attached hereto as Exhibit K is a true and correct copy of excerpts of Rebuttal Report on Behalf of City of Seattle by Tad Deshler, dated February 14, 2022.

13. Attached hereto as Exhibit L is a true and correct copy of 2007 Lower Duwamish Remedial Investigation, Baseline Human Health Risk Assessment – Final.

1 I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true
2 and correct.

3 Executed this 11th day of August 2022, at Phoenix, Arizona.

4 s/ Gary A. Gotto

5 Gary A. Gotto

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DECLARATION OF G. GOTTO
(2:16-cv-00107-RAJ) – 3

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

STOLL STOLL BERNE LOKTING

& SHLACHER P.C.
209 SW Oak Street, Suite 500
Portland, OR 97204
Telephone: (503) 227-1600